

Statement of Rep. John Conyers, Jr.
Before the House Permanent Select Intelligence Committee
July 27, 2006

Chairman Hoekstra, Ranking Member Harman, Thank you for inviting me to speak today about the LISTEN Act and updating our surveillance laws.

The LISTEN Act, on behalf of myself and Ranking Member Harman:

- reconfirms that FISA warrant requirements must be met before wiretapping, and
- provides more resources to make sure that process proceeds quickly and smoothly.

As I understand it, the purpose of this hearing is to examine whether and how to modernize the Foreign Intelligence Surveillance Act. Most of the bills introduced to date do not modernize the process – but only expand the scope of government access to our most intimate lives without good cause. I say that is regression and not modernization.

The first question we must ask is whether to expand surveillance against American citizens. To date, the Justice Department has not given my Committee a single reason why the current FISA rules are substantively inadequate to obtain the necessary intelligence to prevent another terrorist attack. Therefore, we should not rush to substantively change the standard for surveillance in this country.

I use the reauthorization of the PATRIOT Act as my case in point. Not once during deliberations on these very provisions did the Justice Department or anyone else request the authority to eavesdrop without a warrant. It was only after we learned that it was already happening that the Administration and its supporters jumped on the band wagon and claimed that it was an indispensable program. Retroactively approving such a program now would not be good policy – and only an exercise in politics.

The only argument the Justice Department has advanced is that the process is burdensome. Giving the Administration the benefit of the doubt, Rep. Harman and I introduced the LISTEN Act which authorizes those funds necessary to increase resources. It further authorizes the President to notify Congress of any procedural changes that would speed the court order process along.

That is where this Congress should begin and end its accommodation of the Administration. That is all the Fourth Amendment will allow.

Everyone outside of the Administration and small handful of its supporters agree that warrants are needed for intelligence wiretaps. My bill therefore is truly the only Constitutional exercise of this body's power, as it maintains the warrant requirement, while making the process of obtaining one easier.

Recently, Senator Specter threw down a challenge to find a better "compromise" with the Administration. This is my proposal.

I would like to remind him that "compromise" is not a requirement. I swore to uphold the Constitution – not to go along, to get along. And maintaining a court order for even intelligence eavesdropping is the only way to uphold the Constitution we are bound by.